43-

1949.

I

File No. 7048/36

Public Works **DEPARTMENT**

B CLASS

E. **BRANCH** (I)

Subject:— D. L. B. Engineers

Transfer of to the P. W. D.

BOMBAY.

13 [K] 1949.

File No. 7048/36 I Pt.
E.Br.

td. Sectt. Slip 24-A

Copy of paras. 87 and 88 from the Proceedings of the Conference of Chief Engineers of Provinces and States held at Nagpur from the 15th to 18th December 1943 re: Post-War Road Development in India.

87. Some delegates had misgivings that the P.W.D. could not undertake construction and especially maintenance of remote village roads or even of the Other District roads as the limited staff would be submerged in a mass of petty detail and would not have time to devote to major problems. It was, however, agreed that nearly everywhere local bodies had failed both in the matter of construction and maintenance of work, owing, sometimes to local political interference, sometimes to the fact that the staff recruited for small areas and to administer petty budgets were poor in qualifications and lacking prospects, and generally because of the well established administrative principle that small units with limited resources and outlook are not in a position to give direction except in petty matters. It would be more efficient to let the P.W.D. to take over all road work requiring technical knowledge and expand that agency by absorbing in it qualified technical men employed on road work fragmented amongst various local agencies.

88. It was considered that the question of how to avoid burdening the P.W.D. with a mass of small construction and maintenance work scattered over a large area should be fur-

ex further examined . This might be done by a reduction in the size of executive charges and the delegation of more powers to Executive Engineers, or by assimilating staff of local bodies into the P.W.D. cadre and allocating duties to suit individual capacities, or by other means. Some delegates did not want the present 'caste' system among engineer executives to continue under which the larger and more important works were allotted to P.W.D. staff and the smaller and more remote to the staff to local bodies.

As there is shortage of technical staff in the Department, the question of recruiting suitable men from all available sources has to be seriously considered.

2. The Nagpur conference has recommended the reconstruction of all roads including these of D.L.B. should be carried out by Govt. and the surplus technical staff of the D.L.B. may be absorbed in the P.W.D. As a first step, it would be desirable to utlise the services of ~~ax~~ capable and experineced D.L.B. Engrs. as Sub-dnl. Officers, either for the normal work, or for Post-War Construction Schemes. At present there is shortage of B.S.E.(II) officers and the difficulty of appointing experienced ~~officers~~ officers

in ----

in responsible Sub-dnl. charges is very great.

X X X X

Id. A.D.D.(aftary),

23/3/44.

Copy of para. 13 of letter No. R. 185, dated the 29th February 1944 from the Govt. of India, Deptt, of Posts and Air.

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13. Administration.- There are two subjects touched on under this head namely, the proposed Road Board and the expansion of the office of the Consulting Engineer to the Govt. of India(Roads) (dealt with under para.6 of this letter) and appointment of special establishments in the Provnces and States (to under-take planning work the provincial Govt. has already been addressed in this Department's ~~in~~ letter No. R. 185, dated the 2/2/1944 regarding the former. In this connection the proposals of the Chief Engineers in paras. 82,85 and 139 to 141 are particularly brought to the notice of the Provincial Govt.

As regards the second subject, the following are the most important recommendations:

(i) that each Province and State should depute at once aspecial officer, relieved of all other work, to frame project estimates. The pay of this officer (and his staff) should be debited to the Provincial or State allocation from the Central Road Fund.

(ii) that no post-war road development work in the programme outlined by the Chief Engineers should be carried out through the agency of local or District Boards, and

(iii) ---

~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~

(iii) that the questions of reducing the size of Public Works Department executive charges, delegating more powers to executive engineers and absorbing competent staff of local bodies in the Public Works Department Cadre, should be examined.

These three recommendations relate to matters which are wholly in Provincial field and the Government of India recommend them for the careful consideration and acceptance of the Provincial Government (and request that their views may be intimated to this Department).

In this connection it may be observed that if the Project estimates are to be submitted by the end of August 1944, the planning staff should be appointed at once, if this has not already been done. It would appear preferable in view of the magnitude and complexity of the planning work, to divert experienced personnel to this task, any diluation of staff that may be necessary on this account being confined to those employed on the ordinary work of the Public

orks ----

Works Department. As the staff engaged on pdanning will only be a small percentage of the total staff of the Province, the Government of India hope that diversion of regular staff to this work will not appreciably impair the efficient execution of ordinary public works. Unskilled preparation of the Project-Estimates might, on the other hand, interfere seriously with general planning and in particular provide unreliable dates concerning the resources and plant required and the extent to which demobilized personnel and the plant and machinery released by the Army could be made available for the projects (see page 38 of the Proceedings.) The Government of India appreciate that there is a grave shortage of skilled personnel of ~~appropriatexthat~~ the type required but the position has perhaps recently been somewhat eased by completion of certain strategic road projects. It may also be possible in certain cases to get staff released by the Army.

Regarding the~~xxx~~ provision of funds for meeting the cost of establishment to be employed on post-war planning, the Government of India consider that Provinces should be able to meet the cost from their own funds wither by re-appropriation or by making suitable provision in their budgets for 1944-45.

The ----

The Govt. of India are however prepared to consider proposals to debit the cost, to the extent necessary, to the allocations of the Provincial Governments from the Central Road Fund, provided funds are or can be made available therein. I am to request that proposals in this respect, together with an estimate of the portion of the cost that can be met from Provincial revenues may be forwarded to this Department.

The recommendation against the employment of local bodies as agents for carrying out any portion of the particular post-war road development programme advocated by the Chief Engineers may also be considered from the aspect of the practical difficulty of corrdinating and controlling the work of such bodies in a programme of the magnitude contemplated. While appreciciating that this recommendation may arouse opposition in certain cases, the Government of India feel that the arguments advanced by the Chief Engineers (para.87) have considerable weight.

(Originals in file No. 6851/36) II.

There are at present 15 temporary sub-divisions sanctioned by Government.

In addition to these, 17 posts of temporary Deputy Engineers have been created for the planning of Post War Reconstruction Schemes. It is for orders whether for these posts Temporary Engineers in B.S.E. (II) cadre may be recruited as no. B.S.E. (II) officers from the permanent cadre could be spared for the posts. At present overseers of the S.S.E. cadre are holding such charges as a stop-gap arrangement.

Id.P.G.:
3/4/44.

In the Joint Note prepared by the Secy. and the Addl. Secy. on the re-organisation of the Engineering Estabt. It has been suggested that the cadre-strengths of the technical staff should be increased by 25% to meet the normal requirements of the Department. Detailed proposals in this respect have to be worked out. In the meanwhile it is necessary to recruit Tempy. Engrs., particularly for B.S.E.II service. The sanctioned cadre-strength of the service is of 80 officers, in which 5 (including one due to my retirement on 9/4/44) vacancies have been caused due to the recent promotion of B.S.E.II officers to B.S.E.I

(against ---

(against permanent vacancies in the latter cadre). Proposals for filling them will be made separately.

2. There are at present 15 temporary Sub Divisions the Province in addition to 17 temporary posts of Dy. Engrs. created for the planning of Post War Reconstruction Schemes. Of the former, about four temporary sub-dins. are likely to be closed shortly. There would thus remain 28 tempy. posts of Dy. Engrs. to be filled. No recruitment for these posts has so far been made but overseers from the Subordinate Service of Engineers have been made officiating Dy. Engrs. as a stop-gap arrangement. It is, however, desirable to recruit temporary engineers of the required qualifications in the B.S.E.II for these posts, so that they may be put in the responsible charges of sub-divisions, and later on when the cadre-strength of the permanent service is increased, such of them as may be found fit and suitable may be absorbed in the permanent service. Again, with the training they would get in the Department they would be very useful at a later stage, when the execution of the Post War Reconstruc-

Reconstruction Schemes is taken in hand.

3. The 28 posts of Temporary Engrs. in B.S.E.II may be filled as under: -

(i) 8 by direct recruitment from B.Es.(Civil) of the Bombay University not in Govt. service.

(ii) 12 by promotions of B.Es. (Civil) in Govt. service, graduates are available in the circles concerned.

graduates, S. S. Es. 3 in each circle, provided s suitable

(iii) 8 by promotion of non-graduate overseers in Govt. service, at the rate of 2 in each circle.

4. Under direct recruitment (i) qualified District Local Board Engineers (below 45 years of age) who are B.Es.(Civil) of the Bombay University may be made eligible. Starting salaries in their cases may be fixed in accordance with B.C.S.R.41(a) (ii) i.e. they may be given the same pay as they may be drawing in the D.L.B. at the time of recruitment.

5. If the above proposal is approved, the P.S.C. will be addressed to recruit 8 tempy. engineers by direct recruitment and for the remaining posts under items (ii) and (iii) suitable S.S.Es. will be selected in consultation with the P.S.C. as per recruitment rules.

Id. G.D.D.(aftary),
5/4/44.

U.O.R. to P.& S.D.and F.D., dated 6/4/44.

P.M.

P.& S.Deptt.
D.B.

The proposal in the note of the C.E.(Mr. Daftary) is to fill, with immediate effect, 28 posts of Tempy. Deputy Engrs. in the B.S.E.Class II as under:-

(i) 8 by direct recruitment from B.Es.(Civil) of the Bombay University not in Govt. service. Qualified Engrs. under the ~~the~~ Dist. Local Boards who are below 45 years of age and are B.Es.(Civil) of the Bombay University will be eligible for these posts.

(ii) 12 by promotion of B.Es.(Civil) who are in the S.S.E., provided suitable persons are available.

(iii) 8 by promotion of non-graduate (Engrg.) overseers in Government service.

2. The recruitment rule for apptt. of Dy. Engrs. in the B.S.E.Class II is rule No. 53(10) in app. C on P. 41 in the B.S.S.C.& R. Rules. It will be observed that under this rule recruitment to posts of Dy.Engrs. in the B.S.E.Class II can be made either:-

(a) by nomination according to the guarantee from among the qualified students of the College of Engrg.,Poona who pass the B.E.(Civil), or

(b) ----

(b) by promotion from -

(i) members of the Bombay Suberdinate Engrg. Service (now known as the Subordinate Service of Engrs-)

(ii) permanent or tempy. Supervisors, and

(iii) tempy. Engrs. appointed on annual sanction.

3. It will be seen that the proposed method of making recruitment to the 28 posts of Tempy. Dy.Engrs. in the B.S.E. Class II mentioned in para. 1 overleaf is not entirely in accordance with the method prescribed in recruitment rule 53(10) mentioned in para.2 above. It is true that the provisions of rule 53(10) apply primarily in the case of permanent posts of Dy.Engrs. in the B.S.E.Class II The 28 posts proposed to be filled now are posts of temporary Dy.Engrs. in the B.S.E.Class II. But the recruitment rule for any service or post applies whether recruitment to that service or post is made permanently or temporarily or whether recruitment is made against posts sanctioned in the permanent cadre of that

service ---

service or against posts sanctioned <u>temporarily</u> in the cadre of that service. The posts of Tempy. Dy.Engrs. in the B.S.E.Class II under consideration are sanctioned in connection with the Post-War Reconstn, Programme. Recruitment to these posts in accordance with the method mentioned in para. 1 above will, therefore, involve a relaxation of the provisions of recruitment rule 53(10). P.& S.D.may agree to the relaxation. As the P.W.D. will be consulting the B.S.P.S.C. before filling all these 28 posts (vide para. 5 of C.E's note) that Deptt. may be requested to inform the P.S.C. about the position.

Id/-
10/4/44.

Id.
10/4/44.

P.& S.D.may agree.

Id. H.T.S.
10/4/44.

U.O.R.to F.D.dated 10/4/44.

P.K.M.

(Copy -Originals in file No.6907/36)

Extract para.5 of the O.N.dated the 12/7/44.

5. The Nagpur Conference had recommended, inter alia that the competent staff of local bodies should be absorbed in the P.W.D. cadre. The G.ofI. while forwarding this recommendation (along with others) to this Govt. has stated that this matter is wholly in the Provl. field and has recommended to the Provl. Govt. the careful consideration and acceptance of the proposal. The G. of I. has requested the views of this Govt. in the matter. The question of taking up the services of the local Board Engrs. was also discussed by the late Secy. (Mr. G.D.Daftary) on two occasions; firstly while taking over some of the retired persons of the P.W.D. for re-employment and secondly at page 19 ante. This general question will be taken for consideration after the disposal of Mr. Patel's case refd. to in the above paras.

Extract para.1 of the Dy.Secy's note, dated the 13/7/44.

1. I agree as in paras.3 and 5 of the office note.

Extract para. 4 of the O.N. ~~of~~ ~~the~~ dated the 2407/44 and the Dy. Secy.'s orders thereon.

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4. After issue of the draft at p.58 * * part, the general question of absorbing staff of local bodies in the Bombay P.W.D. complainant cadre will be taken up.

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* *

Paras.4 Yes; but on a separate file please. Copies of the relevant nothing on these papers being kept on the new file.

Id/-
J.R.P.(hillips),
26/7/44.

T e

P.K.M.

E.B.(1) 7048/36 P.W.D.

Resubmitted with reference to the Dy.Secy's. note, dated the 26/7/44.

2. The question to be considered in these papers is the absorption of competent staff of th Dist.Local Boards in the P.W.D. proper. In para 13 (ii) of their letter No.R-185, dated the 29t Feby.1944, the G. of I. (Deptt. of Posts and Air) have stated that no Post War Road Development work in the programme outlined by the Chie Engineers should be carried out through the agecy of local or Dist. Boards. The G. of I. apprehend that the recommendation made in para. 87 of the Chief Engrs'. conference held at Nagpur in December 1943 may arouse apposition in certain cases but they consider that the arguments advanced by the Chief Engrs. in para.87 of ~~this~~ their report have considerable weight.

3. In the existing rule for recruitment to th B.S.E.Class II cadre there is no provision for appointing Dist. Local Board Engrs. to the B.S. Class II either in temporary or permanent capacity. The ---

The P.& S.D. has, however, agreed to the relaxation of the provision of recruitment rule No.63(10) in appendix C of the B.C.S.C.& R.Rules and has asked this Deptt. to consult the Bombay-Sind P.S.C. before employing Dist. Local Board Engrs. in the P.W.D. The Commission has separately been addressed in file No. 6907/36, in regard to the appointment of a Mr. J.J. Patel, Dist. Local Board Engr., Surat, as a temporary Dy.Engr. in the B.S.E.Class II.

4. Before taking up the general question of absorption of Local Board Engrs. into the P.W.D. or addressing the P.S.C. in that connection it will be necy, to ascertain whether the Dist. Local Board Engrs. are prepared to accept service under this Deptt. and also whether the Dist. Local Boards themselves will be prepared to spare the services of these persons for employment in the P.W.D. on requisition by this Deptt. It is, however, proposed to address the Commissioners of Dns. in the first instance as per draft put up for approval.

5. The G.D. and the R.D. may see these papers u.o. before issue of the draft.

Id/-. 28/8/44.

P.K.M.

ConfdI.& Urgent
No.7048/36-E.

P. W. D.

B.C., Septr. 1944.

To

The Commissioners of Divisions.

Sub: Employment of Dist.Local Board Engrs. in the P. W. D.

I am directed to enclose a copy of para. 13 of letter No.R.185, dated the 29-2-44, from the G. of I., Deptt. of Posts and Air, for your information and to state that Govt. proposes to employ some of the competent Dist. Local Board Engrs. in this Deptt. as Deputy Engrs. in the B.S.E. Class II service; the scale of which is Rs. 170-10-250-E.B.-265-15-400-E.B.-420-20-500. It is proposed that the starting pay of the Dist. Local Board Engrs. who will be prepared to accept services under this Deptt. will, in the first instance, be fixed in accordance with B.C.S.R. 41(a)(ii) and that the liens of these D.L.B.Engrs. will be retained on the apptt. under the D.L.Boards until they are finally absored in the B.S.E.Class II.

2. You are requested kindly to ascertain and report whether the Dist. Local Board Engrs. will be willing to join this Deptt. on the conditions stated above and if so, how many officers are likely to join immediately.

You may,---

You may, if considered desirable, consult the Presidents of the Dist. Local Boards in this matter.

3. If the above scheme is found to be workable, it may be necy., in view of the urgent necessity for recruiting technical subordinates for the Post War Development programme, to employ some of the overseers who are at present working with the Dist. Local Boards and who are desirous of coming over to the P.W.D. These persons if found suitable, will be appointed as overseers in the S.S.E., the scale of which is Rs. 70-5-110-10-250. The pays of the subordinates who will be taken up permanently in the S.S.E. will be adjusted in the above pay-scale in accordance with B.C.S.R. 41 (a) (ii) . If these subordinates are taken up in the P.W.D. either on tempy. or on the work-charged estabt. they will be granted pay up to Rs. 110 p.m. in the case of a D.C.E. and upto Rs. 180 p.m. in the case of a B.E. as the appointing authority (Superintending Engr.) may decide in each case. These temporary and work-charged subordinates will also have prospects of being absorbed in the permanent cadre of the S.S.E.

I am to request you kindly ascertain and report how many overseers at present in service under the Dist. Local Boards are willing to join the P.W.D. on the above terms.

4. The officers and the subordinates of the D.L.B. who are desirous of being employed in the P.W.D. immediately should be asked to submit their applications through the presidents of the Dist. Local Boards concerned. While transmitting the applications to Govt. it is requested that information regarding the details of service of the D.L.B. Officers subordinates and the pay at present drawn by them together with other relevent information may please be furnished to Govt. Copies of confidential reports for the past five years and personal registers of the subordinates who are recommended for being appointed as either Dy. Engrs. or overseers in the P.W.D. may also be forwarded to this Department.

By order of the Governor of Bombay.

Id. 28/8/44.

U.O.R.G.D.

R.D. dated 1st septr. 1944.

DA copy ref to

P.K.

*General Department.

It is proposed to employ some of the D.L.B. Engineers and overseers as Deputy Engineers in the B.E.S. Class II Service and overseers in the S.E.S. of the P.W.D. respectively. The P.W.D. proposes to address the Commrs. with a view to ascertain and report whether the D.L.B. Engineers and overseers would be willing to join the P.W.D.

2. As the staff contemplated to be taken over by Government in the Public Works Department belongs to the D.L.Bs. and as the lisms of of the D.L.B. Engineers and overseers desirous of coming over to P.W.D. will have to be retained on their appointments under the D.L.Bs. concerned until they are finally absorbed in the P.W.D. it is essential that the D.L.Bs. concerned (and not their Presidents) should consent to spare their services for employment under Govt. This may be pointed out to the P.W.D. and that Deptt. may be requested to advise the Commrs to consult the D.L.Bs. whether they would be prepared to spare the services of their Engineers and overseers for employment in the P.W.D. on the terms proposed .

The papers may be passed on to the R.D.

Id/-. 8/9/44. Id. 8/9/44.

U.O.R. to R.D. dated 11/8/44.

R.D.

Seen and returned to the P.W.D.

Id. 13/9/44.

D.S.

This is hardly a matter which concerns R.D. From the Post-war Reconstruction point of view, however, I presume P.W.D. has under separate consideration question of taking over from the D.L.Bs. their present functions regarding roads. Another point which arises in this case is that even if in the meanwhile the D.L.Bs. give up their engineers, I am not quite certain how it is proposed that they should find men to replace those deputed to Government.

Id. 14/9.

U.O.R. to R.D. dated 16th Septr.1944.

P. W. D.

(E.B.I)

In view of the G.D.O.N. overleaf the draft at pp 11-12 ante as slightly amended in pencil may issue, if approved.

2. It is for consideration whether A(R) may issue these papers at this stage.

Id. 18-9-44.

Through P.W.R.B.

3. The question mentioned at "A" of the R.D.Deputy Secy's note above viz. Assumption of roads from local bodies is to be considered by the General Department

vide

S. *vide* paragraph 3 of this Office note dated the 2nd August 1944 at page 18 of this Deptt. Provisional file No. 6269/36 placed below. Please also see para. 3 of the G.D. note and para. 2 of this Department's note at pages 23 and 25, respectively, in that file. The G.D. may, if approved, be requested u.o., *after issue* of the draft within, to state how the matter stands.

Id.
14/4/44.

Id/-
20/4/44.

A(R).

P.K.M.

On reconsideration I think that here is a good deal in Dy.Secy.R.D's note of 14-9-44 and that, with reference to the Extract on page 7, the recommendation of the Nagpur Conference to absorb Local Body Eng.Staff in the P.W.D. can hardly be separated from its analogous recommendation to take over Local Body roads. I think therefore we must postpone consideration until the latter is settled. The reference to G.D. may be made.

Id/-
21/9/44.

Id/. 25/44.

U.O.to G.D. dated 28/9/44 with memo. file No. 6269/36.

P.M.

General Department.

Please see --

(1) P.W.D. Office Note, dated 19-9-44 and

(2) the A(R)'s note, dated 21-9-44, above.

As stated in para. 4 of the G.D. note, dated the 14-8-44, the question of taking over complete control of the activities of local bodies particularly the local board roads was discussed and a note recording the discussion was forwarded to the Governor's Secretary's Office for submission to H.E. the Governor. No orders of Govt. with ref. to the points discussed in that note have been received in this Deptt.

A copy of that note may be forwarded to the P.W.D. for information.

Id/-
9/10/44.

The papers containing this orders passed by H.E. on the note referred to in this office note above have not been received in this Deptt. The action which may be taken in this Deptt. on the question and the assumption of D.L.B. roads in the light of H.E's orders will be communicated to the P.W.D. in due course.

The papers may be returned ~~referred~~ to the P.W.D.

Id/.
23/10/44.

Id/-
24/10/44.

U.O.R. to P.W.D. dated 25/10/44.

Note recorded in the G.D. on the question of P.W.D. over Control and local boarad roads.

Local Board Roads.

The points which arise for consideration are:-
(i) whether there is any objection, legal or ad - ministrative, if in our post-war planning the work of construction and maintenance of roads in rural areas is to be undertaken by Govt. agency and

(ii) whether under the present provisions of the B.L.B.Act, Govt. in the P.W.D. can take over a D. L.B. road for maintenance and repairs.

As regards point (i) it may be stated that the D.L.Bs. would be very ~~gdd~~ glad to be relieved of this duty. It is open to Govt. to undertake the work of construction of roads in rural areas from the funds provided by Govt. But since such a work will be Govt. work, the responsibility for its maintenance will also rest with Govt. If it is contemplated that the road works after construc - tion by Govt. funds should be made over to the D.L.Bs. for maintenance, under the provisions of the Act as they stand at present, that can be done only with the consent of the board concern - ed. No.D.L.B. will be prepared to take over such works unless payment of adequate grants for their maintenance is guaranteed. This has been our

experience ---

experience in connection with village approach road works constructed from Govt. funds. If, however, it is considered that (roads works of local importance after they are constructed from Govt. fund, because of the inadequate financial resources of D. L.Bs. and their staff to undertake such works) the duty of maintaining them must rest with the Boards, the existing provisions of the B.L.B.Act would require to be amended. The relevant section which would require amendment is section 48. According to the provisions of the section only those works vest in a D.L.B. which shall have been constructed by it on its own behalf. The section may have to be amended so as to provide that a work though not constructed by the Board shall also vest in it if in the opinion of Govt. the work is of a local importance and mainly serves the need of the residents of the local area and Govt. directs that it shall vest in the D.L.B. The question as to in what manner the Act. should be amended to achieve the object visualised above may have to be considered in detail in consultation with the R.L.A. The control which

Govt. ---

Govt. exercises at present over local boards in respect of roads etc. is nominal and it seems therefore, necessary that the construction of roads in rural areas in their post war planning should be undertaken by Government.

As regards point (ii) it may be remarked that Govt. has undertaken repairs and maintenance of several D.L.B. roads so as to maintain them to a higher standard necessitated by the heavy wear and tear by military vehicles, the entire cost of such maintenance being borne by Govt. The responsibility for maintaining their road works upto the normal local board standard rests on the D.L.B. subject of course to the provisions that the funds at the disposal will allow. If, therefore, a local board road is required to be maintained upto a higher standard, Govt. can without infringing the provisions of the law undertake its maintenance if the Board expresses its inability to maintain it to a higher standard. Govt. can retain the road under its control as long as its maintenance at a higher standard is necessary. It is open to Govt. to make over the road to the Board when it is considered that the need for retaining it under Govt. control has ceased. The Board shall then be bound to take over the work for maintenance

according ---

to the normal standard of local board roads.

From what is stated in the foregoing paras. it will be seen that there is no objection to the road construction programme in post war planning which is to be financed from the funds to be provided from Govt. revenue, being undertaken by Govt. in the P.W.D. and that the adoption of this course does not require amendment of the B.L.B. Act, provided Govt. intends to maintain ~~the B.L.B. Act, provided by it.~~ of the roads constructed by If, however, it is intended that the roads after construction should be made over to the D.L.B. for maintenance the provisions of the B.L.B.Act would require to be suitably amended.

P.M.

7048/36.

P. W. R. B.

Submitted with reference to the notes recorded at pp. 14-15 ante.

2. From the G.D. note dated 23/10/44 within it ~~x~~ 24 appears that, that Deptt. has sent to the G.S. for submission to H.E. the Govt. of Bombay a note on the question of taking over complet control of the activities of Local bodies particularly the local board roads and is awaiting H.E's order thereon. The noting within, however, does not indicate the stage the consideration of the matter has reached. As the matter is very important and the issue involved is important it is necessary that the decision is arrived at as early as possible. It is therefore for orders whether that papers may be referred U.O. to G.D. again with a request to take steps, to obtain the orders of Govt. on the points refd. to in the note of PP 17-1 at a very early date.

Id/-
28-11-44.

The E.B.(I)

Id/-
30/10/44.

It is probably the extreme importance of the matter that is causing delay as many issues are involved.

The matter is not so urgent and we may await the report from G.D.

A(R).

Id/-
21/10/44.

I agree that the matter requires careful consideration and may take time.

2. I would, however, like to know now how and in what circumstances P.W.D. takes backs or takes over a road from a local authority at present and which section (s) of the Act is (are) involved. That is to say, is there provision for Govt. to take over any particular road at any time or has it to be at the suggestion, or with the concurrence, of the local authority? (We are at present repairing some local authority roads classed as of strategical importance because the authority cannot or will not pay. Do we do this by virtue of statutory authority or after obtaining concurrence of the authority?

It has ---

It has been made clear that we have power to hand back such roads ("A" on p. 18).

3. "A" on p.20 does not seem quite accurate. It seems that G.D. will communicate H.E's orders on general policy and we should then raise the ques - tion whether roads should be taken up separately from other local authority activities, i.e. health education, etc,. as I think must be done. We may remind G.D. in due course.

Id/-
1/11/44.

P.K.M.

P.W.R.B. 7048/36

P. W.D.

Resubmitted with ref. to para. 2 of A(R)'s note, dated the 1.11.44.

2. Section 48 of the B.L.B.Act, 1923, provides that every road, bldg. or other work constructed* by a local board shall vest in such a board. Under the provisions of Sec.50 of the Act it is one of the obligatory duties of a local board, so far as the local fund at its disposal will allow to make adequate provision for the areas within its jurisdiction in respect of the construction of roads and other means of communication and the maintenance and repair of all roads and other means of communication vesting in it.

*i.e. constructed on its own behalf and not as agent of another.

If a local board fails to fulfil the obligatory duty mentioned above govt. can compel it to carry out the work in question or get it done by another agency at the board's cost-vide Sect. 127(1) and (2). A local board, cannot, however, be legally made to take over a road which has not been constructed at its request or on its behalf or to maintain without its consent a road vesting in it to a standard higher than the normal local board road standard.

3. There appears to be no provision in the B.L.B.Act specifically authorising Govt. to take over at any time any particular road vesting in a local body. In view of the facts

stated ---

stated in para.2 above the position is that when a road is constructed by Govt. at its own cost, it can be handed over to a local board for future maintenance and repairs only if that body is agreeable to do so. In the case of a road vesting in a local board, however, if Govt. desires for some reasons that it should be maintained to a standard higher than the normal local board standard, and the local board refuses to do so either because it is unwilling to do so or cannot do do, that road can be taken over by Govt. for maintenance and repairs so long as considered necy. at the sugges - tion, or with the consent of the local board. The road can then be made over- back to the board when the necessity for maintaining it to the higher standard ceases and then the board will be statutorily bound to maintain it to the normal local board standard. It is in these circumstances that the local board roads have been or are being taken over by the P.W.D.

4. --

4. In the case refd. to at A(R)'s note within the position is that at the instance of the Mily. Deptt. this Govt. has accepted the res - ponsibility of maintaining certain roads of strategic importance, which are either Govt. roads or/local bodies concerned are not pre- pared to maintain these roads to the standard reqd. they will be taken over by Govt. temporarily, provincialised temporarily to avoid complications and accounts diffi- culties and then repaired and maintained at Govt. cost when the necessity for so main - taining them ceases, the roads in question will be deprovincialised and they will revert to the local boards who will then have to maintain them to the normal local board standard.

/ local board roads, to cer- tain standard If the

Id. 6/11/44.

Id/- 7/11/44.

A(R).

Thanks.

The position is thus not as clean or easy as I hoped.

We must await communication of H.E's or- der by G.D. and, as I have said, remind that Deptt. if they are not received soon.

Id/- 7/11/44.

Id/- 8/11/44.

Note:- Copies of the relevant notes etc. from this file have been made and the matter re. the assumption of L.B. Roads will be dealt with further in P.W.D. R.B. file No.6269/36.

Id. 16/11/44.

To E.B(I).

CENTRAL PUBLIC WORKS DEPARTMENT.

From

The Chief Engineer, Central P.W.D., (On special duty),

New Delhi.

To

The Chief Engineer, P.W.D., Bombay.

Ref:-No. 90/staff enquiry/D.B. Dated New Delhi the 12-44.

Sub:-P.W.D. Staffing Enquiry.

In connection with the above enquiry I would like to explore the possibility of absorbing the District Board Engineer Staff in the Public Works Department on a "pay for age" basic subject to adequate qualifications.

This will necessarily involve taking over District Board Engineer Works which if distributed on a regional basis among the existing P.W.D. staff with any necessary expansion should lead to an over all economy of engineer personnel. I would be glad of your views and if possible detailed proposals and suggest that a key map of the Province be prepared showing how this can be best done. Particulars of the staff will be required showing qualifications and experience.

Sd. 29/12/44.
Chief Engineer,
Central P.W.D. (on special duty).

P.K.M.

7048/36
35675

(E.B.I)

The Chief El. Engrs' conference held in December 1943 on the Post War Road Developments in India had recommended, inter alia, the absorption of competent D.L.B.Engrg. staff in the P.W.D. proper. This recommendation was considered at length in the notes at pp. 9/24 ante and it has been decided to hold up further consideration of this question till the linked question of taking over D.L.B.Engrg.work is finally decided.

2. In his D.O.at p.25 ante Mr. A.H.W.Dean, Chief Engrs. on special duty under the G. of I, has raised the question of explaining the possibility of absorbing the D.B.Engrs staff in the P.W.D. The object of this proposal is to find out whether this can lead to an over economy of engr. personnel.

3. In view of the portion explained in para 1 above, orders are requested what reply may be given to Mr. Dean with ref. to portion marked 'A' at P. 25 ante.

4. Mr. Dean has intimated separately that he will visit B'bay on the 25th Jany.1945 and will stay in B'bay till the 29th inst.

Id/-
6/1/45.

Thro.: P.W.R and W.B. and E.D.I

5. With ref. to portion marked A of A(R)'s note dated the 7-11-44, the G. D. has since intimated as reply to our remarks that H.E's orders have not yet been received.

Id. 6/1/45.

The question of absorbing D.L.B. Engr. Staff in the P.W.D. is dependent on the question of Govt. taking over D.L.B. Works particularly roads, which is still under consideration. Until some decision is arrived at on the latter question, no views can be expressed on the former. The C.E. Central P.W.D. may be informed that the matter in question is under consideration of this Govt. and its views will be communicated to him when some conclusions are reached.

I think so.

Id. 8/1/45/ Id. 8/1/45.
Secy (I)

Id. 10/1/45.

P.K.M.

General Department.

With a view to enable the P.W.R.Scheme being executed efficiently and speedily Govt. proposes to entrust their execution to the P.W.D. Some of the schemes particularly the Road Development Schemes fall within the sphere of the local bodies. As it is considered that the administration of local bodies can hardly be expected to execute the programme according to scheduled time, the road development etc. programme falling within their sphere should be executed by Govt. agency.

2. According to the existing provisions of the B.L.B.Act, 1923, a road, building, etc. vesting in a local board cannot be taken over by Govt. except with the consent of the body concerned. Time factor being an important one in the execution of the P.W.R. Schemes the existing procedure (under which the previous consent of the local body in whom the work vests has to be obtained before the work can be takem over) is likely to involve delay and impede the speedy execution, of the work. To avoid such impediments it is proposed to undertake legislation to enable Govt. to take over such of the functions of the local bodies as Govt. may notify irrespective of the consent of the local body concerned.

3. ---

3. This Deptt. file with a draft bill on the subject was submitted to the Under Secretary and Secretary and A(E) on 23rd June 1945. The draft bill after it is approved will have to be referred to the R. L.A. for scrutiny from the legal point of view.

4. The contemplated bill when it is acted into an Act, will enable Govt. to take over for the efficient execution of P.W.R. Schemes any of the road or roads of a local board which may be notified by the Provincial Govt. irrespective of the wishes of the local body concerned. . . .

5. This file may be returned to the P.W.D. with this note with an intimation that the matter is still under the consideration of Govt. . . .

Id. 19/7/45.

U.O.R. to P.W.D. dated 10/7/45.

E.B.(I)

Submitted with ref. to the o.r. dated the 3/7/45.

2. In view of the G.D. note, further ref. from that Deptt may be awaited.

Id. 14/7/45.

Id. 16/7/45.

P.K.M.

(Originals in file No.7173/36 II)

GOVERNMENT OF INDIA.

DEPARTMENT OF LABOUR.

No.E 27. Dated Simla, the 31st May 1945.

From

A.K.Chatterjee, Esquire,

Assistant Secretary to the Government of India.

To

The Chief Secretaries of All Provincial Governments.

Subject:-Report on the enquiry into the staff position of the Public Works Departments in India.

Sir,

I am directed to enclose for the information of the Provincial Government three copies of the report submitted by Mr. A.W.H.Dean, C.I.E., I.S.E. Chief Engineer, Central Public Works Department, on the investigation recently undertaken by him into the staff position of the various Public Works Departments in India with a view to securing the best utilisation of the engineering personnel available in the country. Chapters I to IV of the report deal with the terms of reference, findings of the enquiry and Mr. Dean's recommendations thereon. Chapter V relates to certain other matters which are not covered by the terms of reference both ---

both are of general long-term interest. The recommendations made by Mr. Dean in Chapters I to IV of the report are being examined by the Government of India and the Provincial Government will be addressed again in due course.

I am, Sir,

Yours obedient servant,

Sd. A.K.Chatterjee.

Assistant Secretary to the Government of ~~Bombay~~ India.

D.A:-Refd.to.

P.K.M.

GOVERNMENT OF INDIA

DEPARTMENT OF IABOUR.

No. E17. Dated New Delhi, the 23rd Novr. 1945.

From

A.K.Chatterjee, Esquire,

Assistant Secy. to the Govt of India.

To

Secy. to the Govt. of B'bay, P.W.D.

Subject: Framing of model rules for district Board Engineering Services.

Sir,

I am directed to invite a reference to the recommendations contained in Section 1 of Chapter IV of Mr. Dean's report on the staff position of the Public Works Departments in India copies of which were forwarded to you with this Departments ~~[illegible]~~ letter No. E 27, dated the 31st May 1945. In connection with the suggestions made by Mr. Dean in this section of his report regarding the overlapping of Public Works Department and District Board Engineering staff, the Government of India would be glad to be informed whether the Provincial Government have framed any rules in regard to the construction, functions etc. of their District Board Engineering Service, if any. If there are any such rules, are any such rules, a copy thereof may kincly be supplied to the Govt. of India.

I have the honour to be,
Sir,
Your most obedient servant,
Id.
Assistant Secy. to the Govt.of Indi

Paul/22
20-22.11-45-D.

Copy to Chief Secy and Secy G.

Id.
3/12/45.

Id/-
4/12/45.

P.K.M.

(Originals in file No. 7173/36II)

Extract para 6 of the office note, dated the 12th September 1945 in file No. 7173/36 regarding Mr. Dean's report on the inquiry into the staff position of the Public Works Deptts.

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6. Chapter IV of Mr. Dean's report:-

(1) Elimination of overlapping:- In the earlier part of this Chapter, Mr. Dean has discussed ways and means to avoid overlapping. These remarks are not applicable to this Province as this Province has with a few exceptions a combined charge for Roads and Irrign.

The Electrical and P.H.Branches in this Province are separate but these could not be amalgamated with normal P.W.D. charges. The technical authority in all the cases is, however, one viz. The Chief Engineer.

Mr. Dean has remarked that the most economical use of Engr. staff is obtained when the works are distributed on an area basis.

This is generally followed in this Provinc

(2) Amalgamation of D.I.B. and P.W.D.staff.- Mr. Dean has recommended that "the Provinces should investigate the possibilities of making

an --

an immediate saving of staff by amalgamation either wholly or in part with Dist. Board Staff on an area basis and that the question of Provincialization of the staff be also taken up..."

The Chief Engineers' Conference met at Nagpur in December 1943 had also recommended that the D.L.B.Engineer staff and works should be taken over by the Public Works Department.

This recommendation is being examined by the General Deptt.

Extract para of Mr. Dean's recommendation may, if approved, be forwarded to the G.D.with a request to expedite final proposals on the question of transfer of D.L.B.Engineer staff) Yes.) Id/-C.G.) 8/12.

T.C.

Id/-
17/12/45.

E.B.(I) P. W. D.

Please see notes at pp. 7-9, 17-19,21 and 24.

The question whether the D.I.B.Engrg. staff should or should not be amalgamated with the P.W.D. was discussed at some length and it was decided to hold up further discussion on this question until the linked question of taking over D.I.B. works by Govt. was finally decided. This latter question is still under consideration in the G.D.

2. The recommendations made by Mr. Dean on the question of amalgamation of D.I.B. staff with P.W.D. was discussed and it was proposed to expedite the G.D. in regard to the proposals of taking over of D.I.B. works by Govt. Pl. see extract para.6 of the office note, dated the 12/1/45 and the orders thereon.

3. No rules in regard to the constitution functions,etc., of the D.I.B.Engrg. service can be framed until the main question viz. amalgamation of D.I.B. staff with P.W.D. is decided.

4. ---

4. Orders are requested whether the G. of I. may be informed as per draft put up which may be shown u.o. to the G.D. before submission.

Thro. W.B. and P.W.R.Br.

Id/-
17/12/45.

Id/-
19/12/45.

U.O.R.G.D. dated 21st Decr. 1945 .

General Department.

This Deptt. papers re. the draft bill to enable Govt. to take over such of the functions, of the local bodies as Govt. may notify irrespective of the consent of the local body concerned, have been ~~returned~~ referred U.O. to the R.L.A. for sanctioning of the draft bill. Their return from the R.L.A. is awaited. These papers may be returned to the P.W.D. with the remarks "seen".

Id/-
21/12/45.

U.O.R. to P.W.D.

Id. 21/12/45.

P.K.M.

7048/36 P.W.Deptt,

No. 7048/36-E(Id. B.C., 8th Jany.1946.

To

The Secy. to the Govt.of India.

Deptt. of Labour.

Subject:-Framing of model rules for

Dist.Board Engrg.Services.

Sir,

With reference to your letter No.E.17, dated the 23/11/45, I am directed to state that the recommendation made by Mr. A.W.H.Dean, C.I.E., M.C. on the question of amalgamating D.L.B. staff with the normal P.W.D. is still under the consideration of this Govt. Pending a final decision thereon no rules in regard to the constitution * ~~consideration~~ framed by this Govt.

* functions,etc,of the Dist.Engig.service have been

D.A.-Nil.

Your obedient servant,

Id. 17-12-45.

Id. 19-12-45.

(E.B.I) P.W.D.

The G.D. having agreed the above draft may issue, if appd.

Id. 4/1/44.

Id. 5/1/46.

Id. 6/1/46.

Id. 7/1/46.A(R).

P.K.M.

From

R.S.L.Fateh Chand.
Convenor ~~Governor~~ of the
Provincialization Sub-
Committee, Bijnor,U.P.

To

The Chief Engineer,
Road Development &
Planning, P. W. D.,
B & R. Branch,
Bombay.

No. 496-9 Dated 19-7-46.

Subject:- Provincialization of the District Board Engineering services.

Sir,

I have the honour to invite a reference to letter No. I.R.C. II (Genl)/46 dated 28/6/46 from the Secretary Indian Roads Congress asking for a report on the above subject one month in advance of the next Council meeting to be held some time in October, 1946. I shall be obliged if you will kindly inform me about the proposals and progress made so far about the Provincialization of the District Board Engineering services in your province .

An early reply is requested please se that a full report be submitted to the Council in time as required by the Secretary I.R.C.

I have the honour to be,
Sir,
Your most obedt. servant.
Id.
~~Governor~~ Convenor. Id. 18/7/46

No. 7048/36 E(I) P.W.D.
B.C.24th Sept. 46.

To

R.S.L. Fateh Chand, Esq,

Convenar of the Provincialization.
Submittee, I.R.C., Bijnor U.P.

Sub Committee, I.R.C.,
Bijnor U.P.

Subject: Provincialization of the District Board Engrg. Services.

Sir,

With ref. to your letter No. 496-9-dated the 19/7/46, I am directed to inform you that the question of the Provincialization of the District Board Engrg. Services in this Province has been dropped.

Id/-
21/9/46.

U.O.S.

17/9/46.

Issued
26-9-

From,

R.S.L.Fatch Chand,

Convenor of the Provincialization

Sub Committee of I.R.C., Bijnor, U.P.

To,

The Chief Engineer,

Road Development & Planning, P.W.D.,

B & R. Branch, Bombay.

No. 712 / XV-IIa-12 Dated 21-9-46.

Subject:- Provincialization of the District Board Engineering services.

Sir,

I have the honour to refer you to my letter No. 496 dated 19/7/46 and to the Secretary, I.R.C's letter No.IRC. 9(I)/46 dated 10/9/46 informing that the next Council meeting of I.R.C.is being held from 16 to 20.10.46 at Karachi and asking for a report on the work of Provincilization Sub Committee.

I shall feel obliged if youx will be so good as to inform me as early as possible about the progress made in the matter of the Provincialization of the District Board Engineering services in your province.

I have the honour to be,
Sir,
Your most obedient servent,
Id.
Convenor.
Id. 20/9/46.

P.K.M.

No. 7048/36-E(I). P.W.D.
B.C.,24th Feb. 47.

To

The Secy. to the G.of I.

Department of Labour.

Subject:- Framing of model rules for Dist.Board Engrg. Services.

Sir,

I am directed to invite your attention to G.L. No.7048/36-E(I), dated the 8/1/46, and to state that the question of amalgamating D.L.B.staff with the normal P.W.D., has been dropped by this Govt. No rules for the Engrg. services of the D.L.Bs have been framed, but under section 133(h) of the B.L.Bs. Act it has been prescribed that the Engr. must be at least a graduate in Engrg. Govt. has also introduced a proffesional examn. which is compulsory for the subordinate staff.

U.O.R.S.

Copy to the G. D. for information.
Id. 17/2/47.

Id. 18/2/47.

No.7048/36-I.E.(I). 7048/36/25404

P. W. D.

B. C., 20th April 1949.

To

Shri Fatch Chand,

Convenor,

Provicialization of Local Bodies'

Engineering Services,

Sub Committee of the I.R.E.C.

Bijnor.

Sub:- Provincialisation of Local Bodies Engineering Services.

Dear Sir,

With reference to the correspondence ending with this G.L.,P.W.D., No. 7048/36-E(I), dated the 28/2/49, I am directed to inform you that your letter No. Memo./XVII-a 18, dated the 31/1/49, has been transferred to the H.& L.G.D. of this Govt. Any further conrespondence in the matter may, therefore, please be addressed to The Secy. To Govt. in that Depts.

D.A.Nil. Yours faithfully,

Copy with letter No. Memo./XVII-a 18, dated the 31/1/49, from Shri Fatch Chand, Convenor, Provincialization of Local Bodies' Engineering Services, Sub Committee of the I.R.C. Bijnor, and the note recorded thereon, forwarded to the H.& L.G.D. for futther disposal.

Id/- Id. 19/4/49.
18/4/49.

P.K.M.